

# US attorney general refuses to testify before House Judiciary Committee

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US Attorney General William Barr has decided not to testify before the House Judiciary Committee on Thursday, according to a letter sent by the Justice Department to the House panel Wednesday night.

Barr was to take questions on his handling of the report by Special Counsel Robert Mueller into alleged Russian interference in the 2016 elections, possible collusion between Russia and the Trump campaign, and Trump's efforts to block or shut down Mueller's investigation.

The Justice Department letter was sent Wednesday evening after Barr appeared as the sole witness at a day-long hearing of the Senate Judiciary Committee on the same topic. It is unprecedented for an executive branch official to testify before the Senate and then to refuse a similar request from the House.

The refusal is doubly provocative because the Senate is controlled by the Republicans while the House has a Democratic majority. In effect, the Trump administration is declaring, through Barr, that it refuses to be held accountable to the Democrats even though they won the most seats in the House of Representatives in the 2018 elections.

This follows a series of actions by the Trump White House that demonstrate a consistent orientation toward the establishment of an authoritarian regime in which the executive rules with the support of the military and police, without any oversight by the legislature or judiciary as co-equal branches of government.

The most flagrant defiance of the Constitution came in February, when Trump declared a state of emergency at the US-Mexico border and ordered the Pentagon to redirect military resources to building a border wall. This came after Congress explicitly refused to authorize funds to pay for the wall, leading to a partial shutdown of the federal government that lasted 35 days.

More recently, the White House has ordered a series of executive branch officials to refuse to comply with congressional subpoenas, either for documents or testimony. Most of the demands come from the Democratic-controlled House, where committees have begun investigations into Trump's personal finances, the formulation of his policies on immigration and other issues, and various aspects of the Mueller investigation.

The pretext for Barr's refusal is that the House Judiciary Committee approved, on a party-line vote, a procedure for the hearing that includes 30-minute rounds of questioning of Barr by the counsels for the committee majority and minority, following the regular questioning by committee members, which proceeds in five-minute rounds.

Barr had demanded that the committee drop the plan for questioning by the counsels, but as Chairman Jerrold Nadler, Democrat from New York, declared Sunday on CNN, "The witness is not going to tell the committee how to conduct its hearing, period."

There is little doubt that the Senate hearing did not increase Barr's desire to appear before the House. Even though he was protected by the chairman of the Republican-controlled committee, Lindsey Graham, and most of the Republican majority on the panel, Barr was hard pressed to answer some lines of questioning from the Democrats.

Nearly all the questions focused on Barr's March 24 letter to Congress announcing the completion of the Mueller report, in which he trumpeted Mueller's principal finding that there was no collaboration between the Trump campaign and Russia, and added his own finding that there was no evidence that the president had sought to obstruct justice by blocking the investigation.

The report itself was far more equivocal on the obstruction question, which turned on Mueller's acceptance of the ruling by the Justice Department's Office of Legal Counsel that a sitting president cannot be indicted on a criminal charge, leaving impeachment as the only constitutional remedy for presidential illegality. The second half of the Mueller report is, in all but name, an impeachment referral of Trump on charges of obstruction of justice.

The night before the Senate Judiciary hearing, the *Washington Post* published the text of a brief, four-paragraph letter from Mueller to Barr, dated March 27, 2019, in which he criticized the Barr letter of March 24, saying it "did not fully capture the context, nature, and substance of this Office's work and conclusions," and adding, "There is now public confusion about critical aspects of the results of our investigation."

Whether it was supplied to the *Post* by anti-Trump sources or was a preemptive measure by Barr himself, fearing the letter would otherwise be used to ambush him during his testimony, the leaking of the Mueller letter, a closely held Justice Department internal document, testifies to the deep and ongoing conflict within the national-security apparatus.

The letter demonstrated that Barr himself had deliberately misled both House and Senate committees during testimony in April about the release of the Mueller report, when he claimed to be unaware of any dissatisfaction in Mueller's entourage over his March 24 letter, even though he had received the Mueller letter on March 28.

In the course of the five-hour Senate hearing, Barr repeatedly denied and disputed the plain meaning of the Mueller letter. At one point, he claimed that the letter was "snitty" and probably drafted by a staffer, not Mueller himself. But previously he had sought to justify his earlier testimony about being unaware of dissatisfaction in the special counsel's office by claiming that the letter expressed Mueller's sentiments only, not those of his staff.

Over all, the Senate hearing added little to the public's understanding of the content of the conflicts within the ruling elite that have found expression in the Mueller report, which relate to US policy towards Russia. Both Republicans and Democrats were at pains to denounce Russia and supposed Kremlin interference in US elections, and to pledge the mobilization of

resources to prevent such interference in the 2020 elections.

The Mueller report itself provided no evidence of Russian intervention, merely repeating and uncritically accepting as fact the unsupported claims of US intelligence agencies about a supposedly massive campaign directed by Vladimir Putin to influence American voters.

The report characterized the Russian "campaign" as a two-track effort, involving Facebook ads and hacking of the Democratic National Committee and the Clinton campaign. But when looked at closely, both tracks lead nowhere. On Facebook, Russian operatives spent less than \$100,000 on advertising, a miniscule amount compared to \$81 million for the Democratic and Republican campaigns on Facebook, and \$5 billion overall.

As for the hacking that provided Democratic Party documents to WikiLeaks, which published them to great effect, these documents had an impact because they were true and because voters had the right to know about them. WikiLeaks exposed the efforts of the Democratic National Committee to rig the primary election against Bernie Sanders and for Clinton, as well as Clinton's closed-door speeches to Wall Street audiences promising to look out for bankers' interests once she entered the White House.

There was no hint of these issues in the Senate hearing.



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